

REMARKS

In the Office Action, the Examiner rejected claims 1-4, 30, 31, 39-43, 48, and 49 under 35 U.S.C. §103(a) as being unpatentable over Ego1 in view of the Yamamoto patent.

Independent claim 1 is directed to a method of estimating purchases made by customers of a supplier of interest from other suppliers, and the method is performed on a computer. According to the method, panelist data regarding purchases made by panelists from the supplier of interest and from the other suppliers are read. The panelists are a subset of the customers. A relationship between the purchases made by the panelists from the supplier of interest and the purchases made by the panelists from the other suppliers is determined. Customer data regarding purchases made by the customers from the supplier of interest are read. Based upon the customer data and the relationship, the purchases made by the customers from the other suppliers are estimated.

Ego1 describes a computerized expert system, that utilizes information on consumers obtained by questionnaire, and that can be used to generate personalized communications that marketers can use to target specific customers. Ego1 also describes storing personal information supplied by customers in a database.

Contrary to the assertions of the Examiner, Egol does not describe determining a relationship between the purchases made by the panelists from the supplier of interest and the purchases made by the panelists from the other suppliers.

Instead, the only relationship that Egol even remotely suggests is embodied in a matrix that shows information about the surveyed customers and their choices of jewelry and services that they purchased whether from the jeweler on whose behalf the survey was conducted or from other jewelers.

Moreover, not only does Egol not describe determining a relationship that links purchases that the surveyed customers made from the jeweler of interest to purchases that the surveyed customers made from other jewelers, Egol does not even suggest determining such a relationship.

On the contrary, Egol is only concerned with determining the types of jewelry and services in which its customers might be interested so that the jeweler can prepare communications that market its jewelry and services to its customers. Thus, while the surveyed customers were asked about the jewelry that they purchased both from the jeweler of interest and from other jewelers, the relationship of interest to Egol was

between customers and jewelry, not between one jeweler and other jewelers.

Accordingly, Ego1 does not describe or suggest a relationship that can be used to estimate the purchases that its customers, not just its survey customers, made from other jewelers.

Neither does the Yamamoto patent describe or suggest such a relationship.

The Yamamoto patent describes forecasting demand based on past sales using past sales information collected from a number of retailers. The demand forecast is used by factories to determine desired production levels. The Yamamoto patent does not describe the relationship recited in independent claim 1.

The Examiner specifically cites the top of column 8 of the Yamamoto patent. This portion of the Yamamoto patent describes that POS terminals 1a, 1b, 1c . . . are installed at sample outlets representing a given percentage of all such retail outlets. A production size setting means 2 includes a scale-up estimating routine 5, a demand forecast routine 6 and a production size determining routine 7. The scale-up estimating routine 5 receives sales information from the POS terminals 1a, 1b, 1c . . . and scales up sales based on a ratio of the number of products purchased by all outlets to the number of products purchased by the sample outlets and based on

a deviation factor. This scaled-up information is used to forecast demand, and the forecasted demand is used to set production levels.

The ratio described in this portion of the Yamamoto patent is not the relationship recited in independent claim 1. Instead, and using the language of independent claim 1, the Yamamoto ratio is the number of products purchased by all suppliers (not customers) to the number of products purchased by a retailer of interest (again, not customers).

Moreover, the Yamamoto patent is interested neither in forming a relationship that links purchases that are made by panelists selected from a subset of the customers of a supplier of interest and that are made from the supplier of interest to the purchases made by the panelists from other suppliers, nor in using such a relationship to determine the purchases that the fuller set of customers of the supplier of interest make from other suppliers. Accordingly, the Yamamoto patent does not suggest the relationship recited in independent claim 1.

Thus, because neither Egol nor the Yamamoto patent describes or suggests the relationship recited in independent claim 1, one skilled in the art would not have combined Egol and the Yamamoto patent to meet the limitations of independent claim 1.

Therefore, independent claim 1 is not unpatentable over Egol in view of the Yamamoto patent.

Furthermore, neither Egol nor the Yamamoto patent describes reading customer data regarding purchases that are made by the customers of the supplier of interest from the supplier of interest. Therefore, neither Egol nor the Yamamoto patent suggests creating the relationship that is recited in independent claim 1.

Thus, for this reason also, one skilled in the art would not have combined Egol and the Yamamoto patent to meet the limitations of independent claim 1.

Therefore, for this reason also, independent claim 1 is not unpatentable over Egol in view of the Yamamoto patent.

The Examiner also relies on Petziod, Olin, and Drug Store News in the rejection of independent claim 1 but did not reject independent claim 1 as being unpatentable over Egol in view of the Yamamoto patent and further in view of Petziod and still further in view of Olin and further yet in view of Drug Store News. Such a five-reference rejection, if entered by the Examiner, would have been overtly tenuous. If it takes five references to piece together a claim, hindsight has more than probably been used.

In any event, Petziod, Olin, and Drug Store News do not make up for the deficiencies of Egol and the

Yamamoto patent with respect to the rejection of independent claim 1.

Independent claim 30 is directed to a method of estimating purchases made by customers of a supplier of interest from other suppliers. According to the method, customer data regarding purchases made by the customers from the supplier of interest are read, and panelist data regarding purchases made by panelists from the supplier of interest and from the other suppliers are also read. The panelists are a subset of the customers. Purchases made by the customers from the other suppliers are estimated based upon the customer data and the panelist data.

As can be seen from the above review of Egol, Egol does not describe or suggest estimating purchases made by the customers of a supplier of interest from other suppliers based upon customer data and panelist data. Additionally, Egol does not describe the customer data recited in independent claim 30.

Similarly, the Yamamoto patent is only concerned with forecasting demand. Also, as discussed above, the Yamamoto patent does not suggest that the ratio it describes can be used to estimate purchases made by the customers of a supplier of interest from other suppliers based upon customer data and panelist data.

Further, the Yamamoto patent does not describe the customer data recited in independent claim 30.

Thus, one skilled in the art would not have combined Egol and the Yamamoto patent to meet the limitations of independent claim 30.

Therefore, independent claim 30 is not unpatentable over Egol in view of the Yamamoto patent.

Independent claim 39 is directed to a method in which purchases made by customers of a supplier of interest are estimated. A linear relationship between purchases made by panelists from the supplier of interest and purchases made by the panelists from other suppliers is determined, and purchases by the customers from the other suppliers are estimated based upon the linear relationship.

Egol does not describe determining a linear relationship between purchases made by the panelists from the supplier of interest and purchases made by the panelists from the other suppliers. Moreover, there is no disclosure in Egol of any relationship that links purchases that the surveyed customers make from the jeweler to purchases that the surveyed customers make from other jewelers. At most, Egol links customers with products, and not one supplier with other suppliers.

Moreover, Egol does not even suggest determining the relationship recited in independent claim

39. On the contrary, Egol is only concerned with determining the types of jewelry and services in which its customers might be interested so that the jeweler can prepare communications that market its jewelry and services to its customers. Thus, while the surveyed customers are asked about the jewelry that they purchase both from the jeweler and from other jewelers, the relationship of interest to Egol is between customers and jewelry, not between one jeweler and all other jewelers.

Accordingly, Egol does not describe or suggest a relationship that can be used to determine the purchases that its customers, not just its survey customers, make from other jewelers.

As also discussed above, the Yamamoto patent likewise does not describe or suggest such a relationship.

The ratio described in the Yamamoto patent is a ratio of the number of products purchased by all suppliers to the number of products purchased by a retailer of interest. Thus, this is a ratio of purchases made by suppliers, not purchases made by customers of the suppliers. Such a ratio has no bearing on the relationship recited in independent claim 39.

Therefore, the Yamamoto patent does not describe the relationship recited in independent claim 39.



Moreover, the Yamamoto patent is interested neither in forming a relationship that links purchases that are made by panelists selected from a subset of the customers of a supplier of interest and that are made from the supplier of interest to the purchases made by the panelists from other suppliers, nor in using such a relationship to determine the purchases that the fuller set of customers of the supplier of interest make from other suppliers. Accordingly, the Yamamoto patent does not suggest the relationship recited in independent claim 39.

Thus, because neither Egol nor the Yamamoto patent describes or suggests the relationship recited in independent claim 39, one skilled in the art would not have combined Egol and the Yamamoto patent to meet the limitations of independent claim 39.

Therefore, independent claim 39 is not unpatentable over Egol in view of the Yamamoto patent.

Independent claim 43 is system for estimating purchases made by customers of a supplier of interest that comprises analyzing means and estimating means. The analyzing means analyzes purchases made by the customers from the supplier of interest and purchases made by panelists from both the supplier of interest and other suppliers. The panelists are a subset of the customers of the supplier of interest, and the purchases made by

the panelists from the supplier of interest are independent of the purchases made by the panelists from the other suppliers. The estimating means estimates purchases by the customers from the other suppliers based upon the analyzed purchases.

As can be seen from the above review of Egol, Egol does not describe or suggest estimating purchases made by the customers of a supplier of interest from other suppliers based upon customer data and panelist data. Additionally, Egol does not describe the customer data recited in independent claim 43.

Similarly, the Yamamoto patent does not suggest that the ratio it describes can be used to estimate purchases made by the customers of a supplier of interest from other suppliers based upon customer data and panelist data. Third, the Yamamoto patent does not describe the customer data recited in independent claim 43.

Thus, one skilled in the art would not have combined Egol and the Yamamoto patent to meet the limitations of independent claim 43.

Therefore, independent claim 43 is not unpatentable over Egol in view of the Yamamoto patent.

Because independent claims 1, 30, 39, and 43 are not unpatentable over Egol in view of the Yamamoto patent, dependent claims 2-4, 31, 40-42, 48, and 49 are

likewise not unpatentable over Ego1 in view of the  
Yamamoto patent.

CONCLUSION

In view of the above, the claims of the present application patentably distinguish over the art applied by the Examiner. Accordingly, allowance of these claims and issuance of the present application are respectfully requested.

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